

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JDS UNIPHASE CORPORATION)
BENEFITS COMMITTEE OF THE)
JDS UNIPHASE CORPORATION)
EMPLOYEE 401K RETIREMENT)
PLAN,)

Plaintiff)

v.)

DAVID KORNACKI, et al.,)
Defendants)

Civil Action No. 05-11499-MAP

SETTLEMENT ORDER OF DISMISSAL
February 22, 2006

The court, having been advised on February 22, 2006, that the above-entitled action has been settled;

IT IS ORDERED that this action is hereby dismissed without costs and without prejudice to the right of any party, upon good cause shown, to reopen the action within thirty (30) days if settlement is not consummated.

By the Court,

/s/ Bethaney A. Healy
Bethaney A. Healy
Deputy Clerk